In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 14769 of 2005

Date of Decision: September 11, 2006

Khem Chand

…Petitioner

Versus

The Secretary to Government of Haryana, Public Health Department, Chandigarh and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. Surinder Singh Walia, Advocate,
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana,
for the respondents.

JUDGMENT

M.M. KUMAR, J. (Oral)

The petitioner was appointed as Store Chowkidar on work charged basis w.e.f. 1.6.1983. He was involved in two criminal cases and initially he was convicted, which was set aside by this Court on 21.4.2005 in both the cases. The petitioner, however, remained absent from March 1990 when the case was registered against him till 11.8.2005. He did not intimate the respondent department either with regard to registration of criminal cases or the cause for his absence from duty. Accordingly, the respondents have

passed an order refusing to regularise his services or to accept him back on work charge basis.

Having heard the learned counsel we are of the considered view that the petitioner was working as a work charged employee and he did not have any right to hold any post which could be enforced by the process of writ of mandamus to the respondents. The relief claimed in the instant petition is wholly unwarranted and cannot be granted in view of the law laid down by Hon'ble the Supreme court in **Secretary, State of Karnataka & others v. Umadevi & others, (2006) 4 SCC 1**.

Accordingly, the writ petition fails and the same is dismissed.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)
JUDGE

September 11, 2006
Pkapoor